

# **ATTACHMENT 4**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

\* \* \* \* \*  
RAYMOND KNIGHT, RANDALL \*  
HERNANDEZ, CARNELL WILLIAMS, \* CASE NO:  
CARTRELL WILLIAMS, and \* 5:21-CV-03568-SMH-CBW  
GERALD SANDERS \*  
VERSUS \* DISTRICT JUDGE:  
FLOWERS FOODS, INC \* S. MAURICE HICKS, JR.  
and FLOWERS BAKING COMPANY \*  
OF TYLER, LLC \* MAGISTRATE JUDGE:  
\* \* \* \* \* CAROL B. WHITEHURST

The deposition of Cartrell Williams taken in  
connection with the captioned cause, remotely  
from Caddo Parish, State of Louisiana, pursuant  
to the following stipulation before Melissa J.  
David, Certified Court Reporter, reporting  
remotely from East Baton Rouge, State of  
Louisiana on the 1st day of March, 2023,  
beginning at 10:23 a.m.

Reported by:  
  
Melissa J. David  
Certified Court Reporter

1           that it doesn't matter. I'm not a salesman  
2           because no matter what I sell, it does not make  
3           my check. Whoever set the price does. Is that  
4           a clear answer?

5       Q.   Well, my specific question was: Have you always  
6           tried to be the best salesman you can be? You  
7           said in this deposition that you text with your  
8           brother about being the best salesman you can  
9           be. Have you always tried to be the best  
10          salesman you can be?

11      A.   From 15 years old, working at Super One to just  
12          today currently, I've done my best to be the  
13          best employee/salesman or whatever it takes. I  
14          was under the impression that I could be the  
15          best salesman at Flowers when I was hired.

16      Q.   Okay. And do you believe you've done all that  
17          you can to be the best salesman?

18      A.   I've did all I can to deliver bread to stores  
19          and sell products. But today I recognize that a  
20          salesman deal with sales. A salesman deal  
21          specifically with sales. So, me and my brother,  
22          since I've been 15 years old, have dealt in  
23          sales. But here, working at Flowers Baking  
24          Company delivering bread for Flowers, how much  
25          bread you sell does not determine -- that's what

1 let Patrick go to Flowers. He was the one  
2 selling it. So, I didn't go to Flowers about  
3 anything. I showed up to sign.

4 Q. And do you remember bringing a check from your  
5 own money to pay for that half of the route?

6 A. Right. What I did is I got a check, and I gave  
7 it to Patrick personally.

8 Q. Okay. Do you remember the amount of that check?

9 A. No, I don't. I don't remember the specific  
10 amount. I'm sure if I had, I could go look it  
11 up, but it's been years ago.

12 Q. Okay. Do you remember the approximate year when  
13 this transaction happened?

14 A. I'm not sure. I know it's been years ago. It  
15 was when Patrick left, whenever Patrick left.  
16 Whenever he left.

17 Q. Okay. I'll show you -- you purchased or sold  
18 portions of territories on other occasions,  
19 right?

20 A. In the past? Yes, I have.

21 Q. Okay. Let's go through some documents, because I  
22 don't want you to have to guess either. I'll  
23 try to make it easy for you if I can here.

24 Okay. Do you recognize this document, Mr.  
25 Williams? It's a purchase agreement and release

1 July 9 of 2012?

2 A. No, if -- no, I don't. But to add on a little  
3 bit more to that question, if this is the first  
4 one that I did, which I think it is to agree  
5 with you, what I did in this specific case was I  
6 told Bill, that I wanted to stop going so far  
7 away. And he told me I was getting one or two  
8 stores, but I ended up getting way more than  
9 what I thought I was getting. But anyway, I  
10 think that's the agreement. I think that's the  
11 one.

12 Q. Okay. So, you bought more distribution rights  
13 to avoid going so far away? Did you sell  
14 portions of your territory at that time as well?

15 A. I did. If it is, all I see is just a dollar  
16 amount, so I don't see names of stores. So, I'm  
17 not 100 percent sure. All I see is a dollar  
18 amount. But if there is a specific time, yes, I  
19 bought some and I sold some.

20 Q. Okay. And that was your decision?

21 A. It was my decision to sell a portion of my  
22 territory and get Albertsons. You know, I  
23 didn't know it was going to be so much that came  
24 with it.

25 Q. Okay. And why did you want to get Albertsons?

1           you're an employee; is that right?

2       A.     Yes, ma'am.

3       Q.     Okay. So, you believe that, correct?

4       A.     Yes, ma'am.

5       Q.     Okay. I'm going to show you what we're going to  
6           mark as "Exhibit 8".

7           MADAM COURT REPORTER:

8                   It's going to be "7", Ms. Santen.

9           MS. SANTEN:

10                   Oh, okay. Seven. Sorry.

11           MADAM COURT REPORTER:

12                   Yes, ma'am.

13                           (Exhibit Number Exhibit 7 was  
14                           marked for identification  
15                           purposes.)

16       BY MS. SANTEN:

17       Q.     Okay. We'll mark this "Exhibit 7". Mr.  
18           Williams, do you recognize this document? This  
19           is something that you produced to your lawyer  
20           and they produced to us in this litigation.

21       A.     Mm-hm.

22       Q.     Okay. Do you recognize this?

23       A.     Yes, ma'am.

24       Q.     Is this your signature?

25       A.     Yes, ma'am.

1 Q. Okay. Good. So, you signed this on April 28,  
2 2020, and this is the document that you produced  
3 to your lawyers; is that right?

4 A. Yes, ma'am.

5 Q. Okay. What is your understanding of what this  
6 document is?

7 A. It's a Paycheck Protection Program.

8 Q. Okay. And what is your understanding of what  
9 that is?

10 A. That is when a company, or even a statutory  
11 employee, files for relief through the  
12 government, because as a statutory employee,  
13 he's treated as a owner and as a employee.

14 Q. Okay. So, let's go through this. Check one,  
15 you only get a few different options here: Sole  
16 Proprietor Partnership, C Corp, S Corp, LLC,  
17 Independent Contractor, Eligible, Self Employed  
18 Individual. And you checked independent  
19 contractor; is that right?

20 A. I didn't fill this out, you know, completely by  
21 myself. I think it was a banker. And I told  
22 him what I was under, the statutory employee in  
23 my contract, and he told me that it would go on  
24 the independent contractor.

25 Q. Okay. But you submitted this, right? You

1 reviewed it before you signed it?

2 A. Mm-hm.

3 Q. Okay. Let's go to the certifications. It says,  
4 I've read the statements in this form and I  
5 understand them; do you see that?

6 A. Yes, ma'am.

7 Q. Okay. Then it says, the applicant is eligible  
8 to receive a loan under the rules and effect at  
9 the time this application is submitted; do you  
10 see that?

11 A. Mm-hm, second bullet point.

12 Q. And by signing you're certifying all these  
13 things. You are certifying all these things  
14 because you signed it, right?

15 A. Yes, ma'am.

16 Q. The third one says, the applicant is an  
17 independent contractor, eligible, self employed  
18 individual, sole proprietor, or employees no  
19 more than the greater of 500 employees; do you  
20 see that?

21 A. Mm-hm.

22 Q. So, by signing it, you certified that, correct?

23 A. Yes, ma'am, that I am a statutory employee.

24 Q. This says the applicant is an independent  
25 contractor, self employed individual, or sole



1           proprietor. You certified that by signing it,  
2           correct?

3       A.     So, a statutory employee is an independent  
4           contractor?

5       Q.     Where does it say statutory employee? Here it  
6           says independent contractor, correct?

7       A.     I was just asking.

8       Q.     No, I'm asking you. You signed this certifying  
9           that you were an independent contractor,  
10          correct?

11      A.     Right, based on my knowledge.

12      Q.     Okay. Thank you.

13      A.     Based on my knowledge as a statutory employee.

14      Q.     Okay. But you certified you're an independent  
15          contractor. Then here you say the applicant was  
16          in operation and had employees, or paid  
17          independent contractors. You initialed that,  
18          correct?

19      A.     Yes, ma'am, mm-hm.

20      Q.     Okay. Then down here, I further certify that  
21          the information provided in this application and  
22          information provided in all supporting documents  
23          is true and accurate in all material respects;  
24          and you initialed that, correct?

25      A.     Mm-hm, yes, ma'am.

1 Q. Then it says, I understand that knowingly making  
2 a false statement to obtain a guaranteed loan  
3 from SBA or Small Business Administration is  
4 punishable under the law. Do you see that?

5 A. I see that.

6 Q. And you understood that, correct?

7 A. Mm-hm.

8 Q. Okay. And then you signed it, correct?

9 A. Mm-hm.

10 Q. What did you get this loan for?

11 A. Because of I fit in to -- from what the  
12 banker -- with the documents I gave a banker to  
13 being eligible for it. I told him that I was a  
14 statutory employee. He told me that the  
15 statutory employee fits under the independent  
16 contractor. He said that when I filed my taxes,  
17 they send in information -- I called the CPA.  
18 They said what -- they send in a note. They  
19 file it and send it in a note as a statutory  
20 employee.

21 Q. But you agree that you read this and by signing  
22 it, you made these certifications, correct?

23 A. Right. I completely agree that when I signed  
24 it, I thought that the statutory employee fits  
25 the independent contractor from this document.

1 Q. Okay. But you certified you were an independent  
2 contractor, because you made these  
3 certifications, correct? Yes or no?

4 A. Right. When I signed that, I was told the  
5 independent contractor fits the statutory  
6 employee.

7 Q. But you personally signed it, and it said that  
8 you were certifying you were an independent  
9 contractor, yes; correct?

10 A. I was under the impression that the statutory  
11 employee fits the independent contractor.

12 Q. Okay. But you signed this document, which we've  
13 established. What did you use this money for?

14 A. I'm not really sure. I think majority of the  
15 money I didn't use. I think I put in a savings.

16 Q. Did you pay it back?

17 A. I'm not completely sure. I think it was  
18 forgiven. I think it was forgiven.

19 Q. What did you apply for this money for? What  
20 were you wanting to use it for?

21 A. When I applied for the money, I didn't  
22 necessarily have anything in mind, you know. I  
23 was told by the banker to send my documents in,  
24 see if I fit for it. And I didn't necessarily  
25 have anything in mind when I got it.

1 Q. Okay. So, you didn't necessarily have in mind  
2 that you were going to use it for your  
3 distributorship business?

4 A. No, I didn't have it in mind. I didn't have it  
5 in mind per se, no.

6 Q. Okay. What is the name of your banker?

7 A. Irvin Williams. This is my brother.

8 Q. Okay. And do you still have this money? I  
9 wasn't clear on what your response was there.

10 A. I think that I put it in a -- I think it was a  
11 IRA. Yes, ma'am, I still have it. I'm sure I  
12 still have it.

13 Q. Okay. What was your understanding of what this  
14 had to be used for?

15 A. Oh, oh, oh. No, no, no. This has to be used  
16 for stuff that pertains to your business, right?

17 Q. I'm asking you. You just said that you didn't  
18 have that in mind when you applied for the loan.

19 A. Right. I'm trying to remember the specifics of  
20 this. The Paycheck Protection had to be -- I'm  
21 really not sure. Let me say that now, because  
22 it was in 2020, right?

23 Q. Mm-hm.

24 A. Three years ago. And if it had to be used  
25 towards the business, I think I paid off my

1 route with that.

2 Q. Okay. You said earlier, though, you didn't have  
3 your distributorship business in mind when you  
4 applied for this money.

5 A. I'm not completely sure. With it being so long  
6 ago, I'm not completely 100 percent sure what I  
7 had in mind, what I was thinking when I filled  
8 it out. It's been so long ago.

9 Q. Okay. Do you have -- do you recall how much  
10 money you received?

11 A. I'm not sure. If I'm going to be 100 percent  
12 accurate, let me talk about exactly what I'm 100  
13 percent sure about.

14 Q. Okay.

15 MS. SANTEN:

16 We've been going about two hours.

17 Let's have about a ten-minute break, if  
18 that's okay with you, Mr. Williams. And  
19 then we'll come back.

20 THE WITNESS:

21 Okay.

22 VIDEOGRAPHER:

23 We are off the record at 11:43 a.m.

24 This is the end of file number one.

25 (Whereupon, a break commenced.)

1 refer back to the planogram of what was agreed  
2 upon between those two accounts, between Flowers  
3 and the account.

4 Q. But the planogram is shelf space and display is  
5 separate space, correct?

6 A. Yes, ma'am. They also have a planogram for  
7 displays.

8 Q. Okay. What accounts would you ask the manager  
9 for displays in?

10 A. I normally ask in all the accounts. In my  
11 accounts -- or I tried to, the best of my  
12 knowledge, I tried to get with them and see what  
13 they want to, you know, try to agree upon. But  
14 often they kind of go back to, you know, some  
15 will, some will just say put it up, but mostly  
16 they kind of go based on what the planogram says  
17 is, where they tell you to put the planogram at.

18 Q. How many times were you able to get displays in  
19 your accounts?

20 A. I'm not sure. Over so many years. You know  
21 what I mean? It's a yes and no. You know, I  
22 mean, it depends on the person. So, I'm not  
23 sure.

24 Q. What's the purpose Of asking for displays?

25 A. The purpose of asking for displays to me is

1           because Flowers told me that displays is good to  
2           bring notoriety to your loaf of bread. And when  
3           you bring notoriety, hopefully more people will  
4           buy it, more people grab it. So, you have more  
5           people come in and know your product. They will  
6           buy more of your product and things like that, a  
7           more Flowers product, actually, you know. So,  
8           but it's only determined by the price will you  
9           increase sales or not.

10       Q.    But if you get displays and there's more product  
11           in the store, you get more money from that,  
12           right?

13       A.    Well, it depends. So, let me give you an  
14           example. If the bread costs one dollars, then  
15           no, you know, because you only have so many  
16           people that come through the store. So, if the  
17           bread is marked down, then you may not get more  
18           money. It depends on the price. If the bread  
19           is \$10, then maybe so, but pricing determines  
20           profit and loss.

21       Q.    So, do you ask for end caps in any of your  
22           accounts?

23       A.    Not really, no. Well, I'm not going to say I  
24           never have. I'm sure through the course of 13  
25           years, 12-13 years-a-half, but I have no

1 knowledge of anything anytime recent. But I  
2 talked to the managers, I try to talk to them,  
3 be nice and polite, you know. So, to answer  
4 that question I'm sure I have. I don't know  
5 when.

6 Q. Okay. Have you ever solicited new accounts?

7 A. Solicited new accounts. Went into and get new  
8 accounts?

9 Q. Mm-hm.

10 A. To get new accounts? Several times. In fact,  
11 majority of the times, though, I was told to go  
12 there. When Holsum went out of business, I was  
13 told to go to several accounts that the Holsum  
14 company had and try to sell them bread.

15 Q. And because those accounts were in your  
16 territory, right, you didn't have to pay any  
17 more money to service those accounts, right?

18 A. I didn't have to pay any money to service those  
19 accounts, no. If I got those accounts, right.

20 Q. Okay. Were you able to get those accounts?

21 A. No, not all the time. I mean, frequently when  
22 Flowers would call and tell me to do it, then I  
23 would kind of get them, you know, because I  
24 guess they already talked to them. You know, so  
25 they was kind of expecting me.



1 A. Sean kind of does similar to what Tim Herring  
2 does. And he -- because they work at the same  
3 job. So, they get off work in the morning time,  
4 sometimes eight, nine, depending on how much  
5 work they have, and they jump on the truck and  
6 finish. Sometimes they just run one stop  
7 sometimes. So, they depend on what time they  
8 get there, depending on how much they do. So,  
9 that's kind of what Sean does.

10 Q. How much do you pay him?

11 A. Very similar to Timothy Herring -- Harrington.  
12 So, similar to Timothy Harrington (spelled  
13 phonetically).

14 Q. Okay. And how often does he work for you?

15 A. He works for me every so often. Less than  
16 Timothy, though. Less than Timothy Harrington.

17 Q. Okay. Do you determine what to pay these  
18 individuals?

19 A. Normally, from what I've seen, is just a going  
20 rate, you know, of what everybody else does.  
21 But I determine what to pay, because I just pay  
22 on what the going rate is. You know, in other  
23 words, what I see everybody else doing.

24 Q. Did you have to get approval from Tyler before  
25 you hired any of these people?

1 A. I didn't have to talk to Tyler about having  
2 help, no, ma'am.

3 Q. Have you ever hired anyone to run your route for  
4 you entirely?

5 A. No, ma'am. To run it entirely like for me, like  
6 I would just -- they would run the route for me,  
7 and I'm not there?

8 Q. Yeah.

9 A. So, I would have a person run maybe like two or  
10 three days, you know. And -- but I never just  
11 had them run it for me, and I'm gone, you know,  
12 forever or gone more than -- you know what I  
13 mean.

14 Q. So, you've had someone run it for you for two or  
15 three days at a time though, right?

16 A. Yeah, I had somebody run it. It was Timothy  
17 Sanders.

18 Q. Okay. How long have you had people do that, run  
19 it for a day or a few days?

20 A. Not often. Very, very, very, very rare.

21 Q. But that's something you could do if you wanted  
22 to, right?

23 A. You could. I mean, I think that it's frowned  
24 upon, but you could. I don't, you know -- so,  
25 yes, ma'am, to answer that the question. Yes,

1 deviate and all that product stales out, I have  
2 seen where they will say they charge you back to  
3 stale, because you change the adjusted order.

4 Q. Have you ever been charged back because you  
5 changed a suggested order?

6 A. I can't remember, honestly. I do remember them  
7 getting on me about it. I don't know if they  
8 charged me back or not. They told me that I  
9 ordered way more than what the suggestive order  
10 said.

11 Q. Okay. So, the suggested orders are for specific  
12 customers, right?

13 A. Yes, ma'am. The adjusted orders is per -- well,  
14 not specific customers. The adjusted order is  
15 every customer in your handheld. And every  
16 order in your handheld and what they do is --  
17 it's every order in your handheld. Forgot my  
18 line of thought.

19 Q. You're ordering for your specific customers,  
20 though, right?

21 A. Right. You have suggested order, and you can  
22 let it go or you can order for your customers,  
23 basically.

24 Q. But if you don't touch the suggested order, it  
25 orders for your customers. That's what I'm

1 getting at.

2 A. Right. If you don't touch it, it's going to  
3 order. And the adjusted order is sometimes  
4 changed by Flowers employees.

5 Q. Okay. How often have you had your orders  
6 changed by Flowers employees?

7 A. Well, as of recently, a note has come this,  
8 like, two weeks ago, maybe three weeks. A note  
9 has come through the handheld saying, the  
10 adjusted order has been changed on the cake line  
11 on the sweets. You have been warned. You know,  
12 so, basically -- you say how often? It happened  
13 a couple of weeks ago, three weeks ago, the  
14 adjusted auto on the sweets were changed.

15 Q. What about before then? When's another time it  
16 happened?

17 A. Sometimes they will -- when it's an ad, every  
18 time it's an ad in your store, the adjusted  
19 amount is changed by Flowers employee. He goes  
20 in and he adjusts order according to what he  
21 thinks sells.

22 Q. How many times does that happen to you?

23 A. Well, every time it's an ad. In other words,  
24 you go to Brookshire's paper and Honey Wheat is  
25 on sale buy one, get one. Well, what Flowers

1 does is they go in -- I think it's I want to say  
2 Mike Slaw (spelled phonetically). I don't know  
3 if he's the one that still do it. I think he is  
4 at Tyler. Mike Slaw will go in and he will  
5 adjust the number to how much he feels will  
6 sell.

7 Q. How many times has that happened to you?

8 A. Well, it's done every time there's an ad.

9 Q. How many times has that happened?

10 A. So, how many ads has been in Kroger? Once a  
11 week, every two weeks, I think they change the  
12 ad. When those ad changed, the numbers change  
13 in the handheld to -- it goes up to suggest how  
14 much they will sell.

15 Q. Can you reject the suggested order or change it?

16 A. You can change the number of the suggested  
17 order. If it's done sometimes in a way Flowers  
18 don't like, sometimes you reprimanded, but that  
19 hasn't happened in a while.

20 Q. When was the last time you were reprimanded for  
21 changing a suggested order?

22 A. I'm not sure. It's been -- I'm not sure. I  
23 don't want to guess. It wasn't this year.

24 Q. Can you think of any specific instance when that  
25 happened and when it was?

1 Q. Well, let me ask, how often do you make changes  
2 to the suggested order?

3 A. You have a suggested order, and you know, like I  
4 mentioned, some people don't touch it. I don't  
5 do that. I go in and I try to make some  
6 adjustments here and there, you know. So -- but  
7 I know some guys that don't touch it. They just  
8 ride it out. But when I was trained, when I  
9 first came to Flowers, they told me to basically  
10 order the product according to what they need.  
11 So -- and they told me to pretty much get a set  
12 order and go by that. So, I'm just going based  
13 on how I was trained from the very beginning.

14 Q. So, you said, order what they need. You're  
15 talking about your customers, right, order what  
16 your customers need?

17 A. Well, basically what they would tell me to do  
18 is, as one guy mentioned -- and he trained me  
19 this way -- he had a route book, and he just  
20 based it off his route book. But later on down  
21 the line, Flowers came up with a suggestive  
22 order suggesting basically what they would sell.

23 Q. How often do you -- I don't want to hear about  
24 anyone else -- how often do you make changes to  
25 the suggested order?

1 much it done. All I did was start it for him,  
2 and he just ran out with. So, I did own a  
3 business that I had nothing to do with.

4 Q. Okay. Did you pay money? Did you, like, help  
5 him pay for the business?

6 A. I did absolutely, positively nothing. I can't  
7 file my own taxes. I need help with taxes. I  
8 don't know.

9 Q. I do, too, so I get it. But I'll ask you about  
10 the taxes in a minute. I won't ask to go off  
11 the cuff. Any other outside work that you had  
12 any time during the time you were a distributor?

13 A. Not to my knowledge. Not that I can remember.

14 Q. Okay. Did you advertise your distributorship at  
15 all?

16 A. Not that I know of.

17 Q. Okay. What was your understanding of how you'd  
18 get paid as a distributor?

19 A. When you say get paid, you mean like my check  
20 every week?

21 Q. How you make money. How you make money.

22 A. My understanding was if I keep the shelves  
23 full -- so, let me answer the question in whole.  
24 When I first came on, I was told, you know, it's  
25 my business. You know, that if I sell a lot,

1           then I can make money. When I come to find out  
2           to date that price matters, price allowance  
3           matters, those things control how much I make.  
4           So, that changed over time. But, so, to answer  
5           your question, what is my understanding of how  
6           much I make? I put bread on the shelf, and if  
7           the price is right, I can make money.

8       Q.    Do you buy the product from Tyler?

9       A.    Yes, ma'am. My understanding is I buy the  
10           product off the dock at a price that Flowers  
11           set, and I sell the bread at the price Flowers  
12           set.

13      Q.    Okay. And then what you take home at the end of  
14           the day is the difference between those two less  
15           your business expenses, right?

16      A.    Right. What I take home is the difference based  
17           on how much Flowers charged me, and how much  
18           Flowers set the price at the store.

19      Q.    Okay. All right. So, it's the difference  
20           between the price you purchased products for,  
21           price it sold for, less your expenses?

22      A.    Right. Basically, it's a difference between how  
23           much Flowers decide to charge me in the morning,  
24           and how much Flowers decide to sell it for.  
25           It's that difference. Yes, ma'am.



1 A. Right. With Dave Killer Bread, I try to stick  
2 around the suggested order, but I do -- Dave  
3 Killer Bread pops up almost daily.

4 Q. Okay. What about Nature's Own, do you regularly  
5 order Nature's Own for your customers?

6 A. Yes, ma'am.

7 Q. What about Cobblestone Mill? Do you regularly  
8 order Cobblestone Mill for your customers?

9 A. Yes, ma'am.

10 Q. Okay. Do you know what happens to the product  
11 orders after you place them?

12 A. Can you elaborate on that? Like, do I know the  
13 bakery side of it? Is that what you asking?

14 Q. Yeah. Do you know what bakery it goes to, what  
15 happens to it after it's placed in your  
16 handheld?

17 A. I know a small bit. You know, I don't know the  
18 complete details. I've toured the bakery, so I  
19 know, like, the basics of it going to, you know  
20 certain items, going to different bakeries.

21 Q. Okay. And is it your understanding that some of  
22 those bakeries are out of state?

23 A. I know Tyler is out of state. I don't know what  
24 every bakery is, you know, but I know what Tyler  
25 is.

1 Q. Do you know how that ordering process works? I  
2 mean, after you press the order in the handheld  
3 computer, how it works, what happens?

4 A. All I know is that they get it, and if Tyler  
5 bakes those loaves, then they bake them.

6 Q. Do you have any personal knowledge of how the  
7 shipping process works?

8 A. I know that they have SNL to deliver their  
9 products. I know that SNL picks up from  
10 different bakeries and kind of take it back and  
11 forth, and eventually. It gets here, it gets to  
12 the warehouse.

13 Q. Do you have any personal knowledge of how many  
14 products are shipped together?

15 A. I honestly thought it varied. I thought it  
16 varied based on what got to the Tyler first.

17 Q. Do you have any personal knowledge of what the  
18 producing bakery knows about where the product  
19 is ultimately going to go?

20 A. What the producing bakery knows about where the  
21 product going? I have no idea. I'm not sure.  
22 I haven't really -- no, ma'am. Do I know -- do  
23 the ones that produce the bread if they know  
24 where it's going, I would assume they would. I  
25 would hope. I don't know how that works. I'm

1 not sure.

2 Q. Okay. So, you don't know how that process  
3 works. That's all I'm getting at.

4 A. Right. I don't know how it completely works. I  
5 have a small amount of knowledge about that  
6 process.

7 Q. Okay. So, just tell me your small amount of  
8 knowledge so I understand what you know about  
9 it.

10 A. The bakery gets your order. Depending on if --  
11 Tyler bakes Butterbread, you know. Tyler bakes,  
12 I think Giant. So, Tyler baked the Giant that's  
13 ordered, and another bakery may bake some of the  
14 other products. They bake them and they try to  
15 send them as fast as possible to the warehouse.  
16 You know, I think they have some form of a  
17 logistics. I think I talked to Ray about it,  
18 and he was saying something about they have some  
19 form of a logistics of where they come to Tyler  
20 and then come to us, I think.

21 Q. Okay. Tell me about, let's start in 2012  
22 because this lawsuit goes back a ways. Tell me  
23 about on a Monday when you would get to the  
24 bakery and what your routine was on a Monday in  
25 2012.

1 A. On a Monday, 2012. Man, I give you the best I  
2 can, right. So, I started in Shreveport. I  
3 would drive to Shreveport. I would get there  
4 and I would separate the bread. I would put it  
5 on the truck, and deliver it to the store. So,  
6 that half of that day.

7 Q. And what time would you get there on a Monday in  
8 2012?

9 A. I have no idea. I like to think I got there  
10 pretty early.

11 Q. Okay. What time would you finish in Monday in  
12 2012?

13 A. You know, I'm not completely sure. If I had to  
14 give my best knowledge, it'll probably be around  
15 maybe twelve.

16 Q. Okay. What about a Tuesday? What time would  
17 you get there on a Tuesday in 2012?

18 A. Around the same time in the morning, early. You  
19 know, I was getting around about maybe 2:00 in  
20 the morning and I would probably wrap up -- and  
21 this goes for like almost every day as far as  
22 2012. I'll probably start around get there  
23 around 2:00, and I'll probably wrap it up  
24 around -- I don't know. I'm not 100 percent  
25 sure. I'm just guessing. I'm just throwing

1 Q. But you're not completely sure what hours you  
2 worked each day?

3 A. No, ma'am, I'm not completely sure. I just know  
4 that I give it a good go.

5 Q. So, you're not completely sure how many hours  
6 you worked each week in 2012 either, correct?

7 A. At this day and time, no, ma'am. I'm not  
8 completely sure.

9 Q. All right. What could refresh your recollection  
10 on that?

11 A. Maybe if you had a document that showed it I  
12 could see it, and I could say, ugh. Just be  
13 honest about it, but at this point in time, not  
14 completely sure, you know.

15 Q. Are you aware of any document that would refresh  
16 your recollection?

17 A. Not to my -- I mean, not to my knowledge.

18 Q. Sorry. Go ahead.

19 A. I don't remember any document, but, you know,  
20 I've been around for a while.

21 Q. Go ahead.

22 A. That's my knowledge. I kind of try to remember  
23 but.

24 Q. What about 2013, do you remember what hours you  
25 would work on a Monday?

1 A. Maybe if I had -- I'm not sure. If I had down,  
2 you know, some documents in front of me that  
3 told me exactly, you know, some of the stores I  
4 made -- I'm not completely sure, you know,  
5 because I want to be accurate, so I'm not sure.

6 Q. What about Tuesday, do you know what hours you  
7 would work on a Tuesday in 2013?

8 A. I'm not completely sure about -- do you just  
9 want me to say I'm not completely sure about all  
10 those days? Because I would just need a little  
11 more information, you know.

12 Q. Well, you are asserting that you are entitled to  
13 damages based on hours worked each week, so I'm  
14 trying to figure out how many hours you worked  
15 each week each of these years.

16 A. Oh, yeah, I firmly understand. I just want to  
17 be accurate when I give you some information.

18 Q. Well, I need to understand it so we know how  
19 many hours you worked. Can you give me an  
20 estimate of hours worked on Wednesday in 2013?

21 A. I'm not sure. I know that Wednesday will be  
22 lower than -- it's a pull up day. So, you know,  
23 than a busier day, but I'm not completely sure.  
24 I would have to, you know, have more  
25 information, you know. So, I'm not completely

1           sure. I wish I could give you more, you know.

2       Q.     Can you give me how many hours you would work  
3           per week in 2013 on average?

4       A.     I'm not completely sure.

5       Q.     What about 2014, can you give me the hours you  
6           would work per week in 2014?

7       A.     No, ma'am. I'm not completely sure.

8       Q.     Okay. What about 2015, can you give me the  
9           hours you would work per week in 2015?

10      A.     No, ma'am. I just need more information. I'm  
11           not completely sure.

12      Q.     What other information would you need to figure  
13           that out?

14      A.     I would need, like, to know the stops I'm  
15           making. I would need to know who's the  
16           warehouse manager. I would need to know exactly  
17           what's going on in the run of a day to be more  
18           accurate, you know. I mean --

19      Q.     What about 2016, can you give me how many hours  
20           per week you were working in 2016?

21      A.     I'm not completely sure. I think that was the  
22           year the Holsum bread company shut down, but I'm  
23           not sure even if it was 2016. So, I think it  
24           is, and it was crazy. So, I'm not completely  
25           sure.

1 Q. Okay. What about 2017, can you give me the  
2 number of hours per week you were working in  
3 2017?

4 A. I'm not entirely sure.

5 Q. Okay. Can you give me the hours you would work  
6 any particular day in 2017?

7 A. I'm not completely sure.

8 Q. What about 2018, can you give me the hours you  
9 would work on any particular day in 2018?

10 A. No, I'm not completely sure.

11 Q. And you couldn't give me the number of hours per  
12 week you were working in 2018?

13 A. No, ma'am. I'm not completely sure not without  
14 further documents.

15 Q. What about 2019? Can you give me the number of  
16 hours you worked on any day in 2019?

17 A. I'm not completely sure. I'm not completely  
18 sure.

19 Q. Can you give me the number of hours you work per  
20 week in 2019?

21 A. I'm not completely sure.

22 Q. For 2020 and '21, are the responses going to be  
23 the same that you're not completely sure the  
24 hours you work any one day or any week?

25 A. In 2020 and 2021 with COVID, man, you know. I'm



1 not completely sure. With that year I don't  
2 think anybody is completely sure. So, I'm not  
3 completely sure about -- the day in was  
4 interrupt for everybody. I'm not completely  
5 sure, you know, exactly.

6 Q. Okay. So, not completely sure of number of  
7 hours the week you would have worked in 2020 or  
8 2021?

9 A. No, ma'am, I'm not completely sure.

10 Q. Okay. What about 2022, do you know what hours  
11 you worked on any particular day in 2022?

12 A. 2022 I can be more, you know, a better  
13 assessment, but I don't want to guess. I don't  
14 want to guess, because I'm under oath. I want  
15 to be completely truthful, so I'm not completely  
16 sure of 2022.

17 Q. Okay. What about 2023?

18 A. I can give you the hours that I work this week.

19 Q. Okay. Let's go for it. That'd be fine.

20 A. Yeah. So, this week, Monday, I got up at I  
21 think it was around 4:00, and I started to work  
22 on my handheld on Monday morning.

23 Q. Okay.

24 A. And then so I got to the warehouse, and I  
25 finished up my handheld in the morning --

1 A. No, ma'am, I don't have that written down.

2 Q. Okay.

3 A. I wish I did.

4 Q. Let's talk about did you have it written down  
5 when you provided those numbers to your lawyers?

6 A. I'm not sure. I just knew I had time to do some  
7 research. I had time to assess the situation.  
8 I had time to assess all situations. At our  
9 particular warehouse, it has changed sales  
10 manager four times.

11 Q. Do you know what has happened between 2012 and  
12 2013 in the present that resulted in your hours  
13 cutting in half?

14 A. I can look. What I think happened, to the best  
15 of my knowledge, I think what happened in 2013,  
16 around that time, I'm not sure. I think  
17 Albertsons shut down. The company of Albertsons  
18 shut down, a major account. The accounts for a  
19 pullup that accounts for multiple deliveries  
20 that count for many things. So, that would  
21 drastically cut back hours.

22 Q. Okay. Did any of your accounts have customer  
23 service windows?

24 A. When I would go to the account and talk to them,  
25 they were okay with whatever time. As of

1           been times they call Brian. It's been times  
2           they called me, so it depends. They used to  
3           call me less. They used to call me less, but  
4           now that my number's at the top of the ticket, I  
5           find out now they call me more frequently.

6       Q.    Okay. How do you determine what hours you're  
7           going to work every day?

8       A.    How do I determine what hours I'm going to work?

9       Q.    Yes.

10      A.    I get up in the morning, and I work until it's  
11           done.

12      Q.    So, do you determine that based on the number of  
13           customers you have to visit that day?

14      A.    Right. How can I determine based on the --  
15           right. Customers matter because every time I  
16           have to stop and open the truck, it takes time.  
17           So, most definitely. How many customers I have,  
18           how many issues in the market I have. I have to  
19           turn around and go back. So, all those are  
20           tangibles on time, you know. I like to be close  
21           by so I can get back, because if I'm cross town,  
22           I may not be able to get back.

23      Q.    Do you determine the order in which you service  
24           your customers? So, you go to this one first,  
25           that one second, that one third; is that your

1 decision?

2 A. Well, it is. I think that in the beginning,  
3 when I first started, it wasn't, but as I  
4 mentioned, when I tried to adjust the orders in  
5 which I make the stores and I didn't deliver  
6 them on Saturday, you know, it's a huge deal.  
7 So, as of today, you know, they have slowly  
8 stopped talking about it. In the past you got  
9 to do it or you hit upside the head.

10 Q. Okay. Sorry. I was thrown off by a laugh. Let  
11 me show you another document. All right. We're  
12 going to go back to the distributor agreement  
13 that we looked at before, Mr. Williams. Is it  
14 your understanding that before this can be  
15 terminated, Flowers has to give you certain  
16 breach of contract letters?

17 A. You mean like a breach of contract?

18 Q. Right, that it can't be terminated at will.

19 A. I don't know about that, because I've seen it's  
20 been times where in the past, you know, where  
21 people was kind of like, terminated, Ryan  
22 Swindell (spelled phonetically), Morgan. It  
23 wasn't because of, you know, they had a bill  
24 they couldn't pay one of them, and so on and so  
25 forth, you know.

1 I know you've resigned them a couple of times  
2 over the years when the distributor agreement  
3 reads, "Develop and maximize sale of products to  
4 outlets and exercise your best efforts to  
5 maximize sale of products." What did that mean  
6 to you initially when you first signed off on  
7 that agreement?

8 A. You know, when I first signed off, I thought  
9 that it was up to me and I could maximize sales.  
10 I can get out there, and I can, you know, really  
11 work hard. I've always excelled at my job. I'm  
12 that kind of person. I want to be the best, and  
13 I say it all the time around everybody. So,  
14 that's what I thought. I thought I can get  
15 there and make a lot of money if I thought I can  
16 get in there and just sell, sell, sell, sell,  
17 sell, you know.

18 Q. Right.

19 A. When I first came on that was my initial  
20 thought.

21 Q. And I don't want to belabor how you see yourself  
22 now, because I think you testified to that  
23 already. I do want to ask you about a couple of  
24 the exhibits that are attached to this  
25 deposition, particularly the Krystal Customer

1 I think that I get up, I take bread out the  
2 dock, and I deliver it to stores. I put it on  
3 shelves, and I make a check. And I see it that  
4 way because of all the things I mentioned, all  
5 the things that are out of my control. If I had  
6 more control, then I probably would perceive it  
7 different. But, you know, I perceive it that  
8 way because the lack of control and the  
9 direction of how to get things. So, I'm  
10 directed on what to do.

11 BY MR. GOUDELOCKE:

12 Q. What is your personal vehicle that you  
13 referenced using to service your route, make and  
14 model?

15 A. Right, today, my -- of course, I have several  
16 vehicles -- but today I drive, sometime, a Honda  
17 Civic.

18 Q. Okay. Have you ever used a personal vehicle to  
19 service your route that weighed more than 10,000  
20 pounds to your knowledge?

21 A. Not to my recollection.

22 Q. Let's see. You were asked some real specific  
23 questions about use of your personal vehicle to  
24 carry product as long ago as 2012, 2013, 2014,  
25 2015. To the best of your knowledge, have you